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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 DONALD SIPPLE, et al.,

11 Case No. 10cv184 BTM (RBB)

12 Plaintiff,

13 **ORDER STAYING CASE**

14 v.

15 AT&T, INC., et al.,

16 Defendants.

17 Defendants AT&T, Inc. and AT&T Mobility, LLC have moved to stay this case pending
18 a ruling by the Judicial Panel on Multidistrict Litigation ("JPML") [Doc. 7]. The Motion is
19 unopposed. For the following reasons, the Court **GRANTS** the Motion.

20 A court has broad discretion to stay cases before it. *Clinton v. Jones*, 520 U.S. 681,
21 707 (1997) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). In considering a motion
22 to stay pending proceedings before the JPML, a court should consider "(1) potential prejudice
23 to the non-moving party; (2) hardship and inequity to the moving party if the action is not
24 stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation
25 if the cases are in fact consolidated." *Rivers*, 980 F.Supp. at 1360.

26 Here, Plaintiff has not opposed the motion and the Court has no reason to find that
27 Plaintiff would be prejudiced. Furthermore, if the Court declines to stay this case,
28 Defendants will be forced to litigate in multiple forums and duplicate their efforts. Finally,
 staying this case would promote judicial efficiency because it appears that there are several
 related cases in other districts based on the same set of facts and claims. Assuming the

1 JPML eventually consolidates these cases, entering a stay at this juncture minimizes the risk
2 of inconsistent rulings and permits a single district court to resolve issues pertaining to all the
3 related cases.

4 For these reasons, the Court **GRANTS** the Motion to Stay [Doc. 7] and **STAYS** this
5 case pending a decision from the JPML. If the JPML does not consolidate this case,
6 Defendants must respond to the Complaint within twenty-one days of the issuance of the
7 JPML's decision.

8 **IT IS SO ORDERED.**

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10 DATED: April 12, 2010



11 Honorable Barry Ted Moskowitz
12 United States District Judge

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